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FISCAL IMPACT STATEMENT

LS 6101

BILL NUMBER: HB 1402

NOTE PREPARED: Oct 31, 2003

BILL AMENDED:

SUBJECT: Alcohol and Drug Countermeasures Fee.

FIRST AUTHOR: Rep. Thomas

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill increases the Alcohol and Drug Countermeasures Fee from \$200 to \$300.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues: This bill would increase the revenue that the State User Fee Fund would receive from the Alcohol and Drug Countermeasures Fee. The additional revenue to the State User Fee Fund is indeterminable because this fee is not accounted separately from other fees deposited in the State User Fee Fund. (See *Background* for further explanation.)

Under current law, the State User Fee Fund receives 25% of each fee assessed on all felony and misdemeanors involving operating a vehicle while intoxicated, reckless driving, and public intoxication cases that are decided in trial courts and city and town courts.

The maximum fee is \$200. Consequently, the state currently receives \$50 each time a \$200 fee is assessed. Under this bill, the State User Fee Fund would receive an additional \$25 for each time that the court orders payment of the maximum fee of \$300.

Any additional state revenue that would result from this fee increase would be deposited in the Judicial Technology and Automation Project Fund.

Background: The Alcohol and Drug Countermeasures Fee is one of seven fees that are deposited in the State

User Fee Fund from the courts that assess in felony and misdemeanor cases.

The following table shows the fees that the are deposited in the State User Fee Fund.

Fees Deposited in the State User Fee Fund		
Fee Name	Code Cite	Percent Deposited in State User Fee Fund
Drug Abuse, Prosecution, Interdiction, and Correction Fee	IC 33-19-5-1(b)(5).	25%
Alcohol and Drug Countermeasures Fee	IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), IC 33-19-5-3(b)(5).	25%
Child Abuse Prevention Fee	IC 33-19-5-1(b)(7).	50%
Domestic Violence Prevention and Treatment Fee	IC 33-19-5-1(b)(8).	100%
Highway Work Zone Fee	IC 33-19-5-1(b)(9) IC 33-19-5-2(b)(5).	100%
Marriage License Fee	IC 33-17-14-2	100%
Safe Schools Fee	IC 33-19-6-16.3.	100%
Automated Record Keeping Fee	IC 33-19-6-19	100%

Twice a year, \$1,288,000 is transferred from the State User Fee Fund into the state funds shown in the table below. The balance that remains in the State User Fee Fund is transferred to the Judicial Technology and Automation Project Fund. Consequently, any additional revenue that is deposited in the State User Fee Fund will be deposited in the Judicial Technology and Automation Project Fund.

Funds Receiving Revenue From the State User Fee Fund		
<u>Fund</u>	<u>Code Cite</u>	<u>Percent Received</u>
Alcohol and Drug Countermeasures Fund	IC 9-27-2-11.	14.98% of \$1.228 M.
Drug Interdiction Fund	IC 10-1-8-2.	8.42% of \$1.228 M.
Drug Prosecution Fund	IC 33-14-8-5.	4.68% of \$1.228 M.
Corrections Drug Abuse Fund	IC 11-8-2-11.	5.62% of \$1.228 M.
State Drug Free Communities Fund	IC 5-2-10-2.	22.47% of \$1.228 M.
Indiana Department of Transportation	IC 8-23-2-15.	7.98% of \$1.228 M.
Family Violence and Victim Assistance Fund	IC 12-18-5-2.	20.32% of \$1.228 M.
Indiana Safe Schools Fund	IC 5-2-10.1	15.53% of \$1.228 M.
Judicial Technology and Automation Project Fund	IC 33-2.1-7-10.	Balance remaining distributions

The following shows the revenue that has been deposited in the State User Fee Fund between FY 1998 and FY 2003.

Revenue Deposited in State User Fee Fund						
<u>Fiscal Year</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
Revenue	\$2,621,925	\$2,744,422	\$2,549,049	\$2,934,576	\$3,955,653	\$7,033,060

Explanation of Local Expenditures:

Explanation of Local Revenues: This bill would increase the amount that a County Drug Free Community Fund would receive when the sentencing court orders that the Alcohol and Drug Countermeasures Fee be paid. If the court orders a fee of \$300 be paid instead of \$200, then the county would receive an additional \$75.

Local Funds Receiving Revenue From Fees		
<u>Fee Name</u>	<u>Percent Retained by Local Governments</u>	<u>Fund Deposited at Local Level</u>
Drug Abuse, Prosecution, Interdiction, and Correction Fee	75%	County Drug Free Community Fund
Alcohol and Drug Countermeasures Fee	75%	County Drug Free Community Fund
Child Abuse Prevention Fee	50%	County Child Advocacy Fund

The County Drug Free Community Fund is established in each county to promote comprehensive local alcohol and drug abuse prevention initiatives by supplementing local funding for treatment, education, and

criminal justice efforts.

State Agencies Affected: Auditor of the State.

Local Agencies Affected: Trial Courts.

Information Sources: IC 5-2-11-2, IC33-19-7-1, IC 33-19-9.

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